IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 34 OF 2004

The State of Maharashtra ....Applicant.
V/s
Shabbir Hidar Mohamed Hussain Sayyad & Anr..... . .....Respondents.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	))))	Court's or Judge's Orders

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Mr.A. S. Shitole, APP for the State.

Mr.B. H. Mehta, APP for the State.

CORAM:V.G. PALSHIKAR, J.
17.6.2005.

PC:

This application for revision is by the State of Maharashtra challenging the order passed by the Additional Metropolitan Magistrate, 4th Court, Girgaon, Mumbai on 15.10.2003 discharging two accused persons of an offence under section 379 read with section 34 of I.P.C. The reasons given by the learned Judge for discharging is that the recovery of the motocycle was made from the place accessible to all and therefore accused alone cannot be held guilty for being prosecuted. Reasoning given by the learned Judge is neither perverse nor absurd. Hence no interference is called for. Application is dismissed.

17.6.2005